

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

In re: MARCUS A. LITTLE and SHANYEL LITTLE, Debtors, SPECIALIZED LOAN SERVICING, LLC. AS SERVICING AGENT FOR TOWD POINT MORTGAGE TRUST ASSET-BACKED SECURITIES, SERIES 2019-SJ3, U.S. BANK NATIONAL ASSOCIATION, AS INDENTURE TRUSTEE, Movant, v. MARCUS A. LITTLE, SHANYEL LITTLE and WILLIAM C. MILLER, Trustee, Respondents.	Bankruptcy No. 20-11291-mdc Chapter 13 Document No.
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MOTION FOR RELIEF FROM THE AUTOMATIC STAY

AND NOW, comes Movant, Specialized Loan Servicing, LLC, As Servicing Agent for Towd Point Mortgage Trust Asset-Backed Securities, Series 2019-SJ3, U.S. Bank National Association, as Indenture Trustee (the “Movant”), by and through its undersigned counsel, Bernstein-Burkley, P.C., and files this Motion for Relief from the Automatic Stay (the “Motion”), represents as follows:

THE PARTIES

1. Respondents, Marcus A. Little and Shanyel Little (“Debtors”), are adult individuals with a place of residence located at 3128 N. Spangler Street, Philadelphia, PA 19132.
2. William C. Miller, is the duly appointed Chapter 13 Trustee and is currently acting in such capacity.

JURISDICTION AND VENUE

3. This matter is a core proceeding and this Court has jurisdiction pursuant to 28 U.S.C. § 1334. Venue is proper pursuant to 28 U.S.C. §§ 1408 and 1409. Movant seeks relief pursuant to 11 U.S.C. § 362(d) and FRBP 4001 and 9014.

FACTUAL BACKGROUND

4. On or about March 2, 2020, Debtor filed a voluntary petition for relief pursuant to Chapter 13 of the Bankruptcy Code.

5. The Movant holds an Open-end Mortgage (the "Mortgage") on Debtor's real property located at 3128 N. Spangler St, Philadelphia, PA 19132 ("Property"), recorded in the Office of the Commissioner of Records for the City of Philadelphia, to secure an Equity Maximizer Agreement and Disclosure Statement (the "Note") with a principal balance of \$20,000.00. True and correct copies of the Mortgage, Assignments of Mortgage and Note are attached hereto as Exhibits A, B, and C, respectively.

6. The outstanding balance owed to the Movant on the above referenced Note is \$22,511.81, which includes: \$1,095.22 in accrued interest.

7. Pursuant to the Note, mortgage payments are due on the 1st day of each month. The monthly mortgage payment is \$243.34.

8. The Property is also subject to another mortgage to Nationstar Mortgage d/b/a Mr. Cooper who has filed a claim in the amount of \$3600.50

9. Debtors have estimated the value of the Property as \$118,314.00 on Schedule D of their Voluntary Petition. *See*, Voluntary Petition, Section D.

10. Debtor's Chapter 13 Plan requires Debtors to make monthly Mortgage payments to the Movant outside of the Plan.

11. Debtors have failed to make post-petition mortgage payments due to the Movant. Debtors are currently five post-petition payments in arrears and is due for the March 2020 post-petition payment.

12. Specialized Loan Servicing, LLC services the loan on the Property referenced in this Motion. In the event the automatic stay in this case is modified, this case dismisses, and/or the Debtor obtain a discharge and a foreclosure action is commenced on the mortgaged property, the foreclosure will be conducted in the name of Movant or Movant's successor or assignee. Movant, directly or through an agent, has possession of the Note. The Note is either made payable to Movant or has been duly endorsed. Movant is the original mortgagee or beneficiary or the assignee of the Mortgage/Deed of Trust.

13. Therefore, Specialized Loan Servicing, LLC. As Servicing Agent for Towd Point Mortgage Trust Asset-Backed Securities, Series 2019-SJ3, U.S. Bank National Association, as Indenture Trustee is entitled to relief from the automatic stay for cause, including the lack of adequate protection, because Debtors have failed to make post-petition Mortgage payments to Specialized Loan Servicing, LLC. As Servicing Agent for Towd Point Mortgage Trust Asset-Backed Securities, Series 2019-SJ3, U.S. Bank National Association, as Indenture Trustee 11 U.S.C. §362(d)(1).

WHEREFORE, Movant, Specialized Loan Servicing, LLC. As Servicing Agent for Towd Point Mortgage Trust Asset-Backed Securities, Series 2019-SJ3, U.S. Bank National Association, as Indenture Trustee, respectfully requests that this Honorable Court enter an Order granting Specialized Loan Servicing, LLC. As Servicing Agent for Towd Point Mortgage Trust Asset-Backed Securities, Series 2019-SJ3, U.S. Bank National Association, as Indenture Trustee, relief from the automatic stay with regard to the real property located at 3128 N. Spangler St, Philadelphia, PA 19132.

Respectfully submitted,

BERNSTEIN-BURKLEY, P.C.

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As Servicing Agent for Towd Point Mortgage
Trust Asset-Backed Securities, Series 2019-SJ3,
U.S. Bank National Association, as Indenture
Trustee

Dated: July 27, 2020